IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL REVISION APPLICATION NO.528 OF 2007

Central Bank of India : Applicant
(Orig.Defendant)

V/s.

Mrs.Sudha Vinod Tanna : Respondent
(Orig.Plaintiff)

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WITH

CIVIL REVISION APPLICATION NO.529 OF 2007

Central Bank of India : Applicant
(Orig.Defendant)

V/s.

Mrs.Shantaben Vyas (deceased)
1) Shri Anubhai Bachubhai Thakkar & Ors. : Respondents
(Orig.Plaintiffs)

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CIVIL REVISION APPLICATION NO.530 OF 2007

Central Bank of India : Applicant
(Orig.Defendant)

V/s.

Mrs.Hansa Pravin Tanna : Respondent
(Orig.Plaintiff)

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AND

CIVIL REVISION APPLICATION NO.531 OF 2007

Central Bank of India : Applicant
(Orig.Defendant)

V/s.

Mr.Dilip K. Gandhi : Respondent
(Orig.Plaintiff)

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Mr.G.S.Bhat for the applicants.

Mr.P.K.Dhakephalkar with Mr.J.G.Reddy i/b. Mr.M.Mutalik for the respondents.

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CORAM : S.A.BOBDE, J.

DATE : OCTOBER 11, 2007.

P.C.

1. There is no merit in the challenge to the decree of the appellate Court. The appellate Court has rightly held that the respondents had not, in fact, waived any rights under the quit notice dated 1.8.2002 issued after expiry of the appeal period on 31.7.2002. The applicant's allegation that there was an increase in the contractual rent thereafter has been found to be without any basis. In fact, the learned counsel for the applicant fairly accepted the fact that there is no plea of waiver in the Written Statement either. The Revision Applications thus are liable to be dismissed and are hereby dismissed.

2. The learned counsel for the applicant, however, seeks time to vacate the premises. Having regard to the fact that the applicant is a Nationalised Bank which is required to maintain lockers for safe deposit, etc., getting a new suitable premises and transfer to those premises will naturally take time. Hence, on the applicant's furnishing an undertaking to this Court that they will vacate the premises within a period of two years from today, the respondents shall not execute the decree for the said period of two years. This is subject to the applicant filing the usual undertaking in this Court within a period of four weeks from today. The undertaking shall be filed without prejudice to the respondents' right to claim mesne profits or compensation, in accordance with law.

3. Order accordingly.

S.A. BOBDE, J.